

shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Fokker Service Bulletin SBF100-32-108, dated February 7, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive 1997-025(A), dated February 28, 1997.

(e) This amendment becomes effective on March 18, 1998.

Issued in Renton, Washington, on February 4, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-3261 Filed 2-10-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 990

Natural Resource Damage Assessments

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Reconsideration of final rule; request for comments.

SUMMARY: On January 5, 1996, the National Oceanic and Atmospheric Administration (NOAA) promulgated final regulations for the assessment of natural resource damages pursuant to section 1006(e) of the Oil Pollution Act of 1990. These final regulations, codified at 15 CFR Part 990, were published at 61 FR 440. The final regulations were challenged, pursuant to section 1017(a) of OPA, and, on

November 18, 1997, a ruling on the final regulations was issued by the U.S. Court of Appeals for the District of Columbia Circuit (*General Electric Co. v. Commerce*, No. 96-1096 (D.C. Cir., Nov. 18, 1997)). Two issues were remanded to NOAA for further agency decisionmaking—the scope of authorization for recovery of legal costs and authorization for the removal of residual oil by trustees as part of a natural resource restoration action. This request seeks public comment on the issue involved in the authorization for the removal of residual oil by trustees as part of a natural resource restoration action. The issue of the scope of authorization for recovery of legal costs may be sought through publication of a future request for comments.

DATES: Written comments should be received no later than March 30, 1998.

ADDRESSES: Written comments are to be submitted to: Eli Reinharz, c/o Office of General Counsel/Natural Resources, 1315 East-West Highway, Room #15132, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Eli Reinharz, 301-713-3038, ext. 193; (FAX: 301-713-4387; e-mail: ereinharz@exchange.nos.noaa.gov) or Linda Burlington, 301-713-1217 (FAX: 301-713-1229; e-mail: Linda.B.Burlington@noaa.gov).

SUPPLEMENTARY INFORMATION: In the event of a discharge or substantial threat of a discharge of oil (incident), the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*, provides that federal, state, Indian tribal and/or foreign natural resource trustees may determine natural resource injuries, assess natural resource damages, present a claim, recover damages, and develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources and services under their trusteeship. The National Oceanic and Atmospheric Administration (NOAA) was directed by Congress to promulgate regulations for the assessment of natural resource damages resulting from an incident.

NOAA promulgated final regulations on January 5, 1996 (see 61 FR 440), codified at 15 CFR Part 990. The regulations are for the use of authorized federal, state, Indian tribe, and foreign natural resource trustees. A major goal of OPA is to make the environment and public whole for harm to natural resources and services as a result of an incident. The regulations provide a framework for conducting natural resource damage assessments that achieve this OPA goal. Under the regulations, assessments are conducted

in the open, with responsible parties and the public involved in the planning process to ensure that restoration will be achieved more quickly, transaction costs will decrease, and litigation will be avoided. Restoration plans developed with input from the public and responsible parties are the basis of a claim for natural resource damages, with final restoration plans presented to responsible parties for funding or implementation.

The final regulations were challenged, pursuant to section 1017(a) of OPA. On November 18, 1997, a ruling on the final regulations was issued by the U.S. Court of Appeals for the District of Columbia Circuit (*General Electric Co. v. Commerce*, No. 96-1096 (D.C. Cir., Nov. 18, 1997)). Two issues were remanded to NOAA for further agency decisionmaking—the scope of authorization for recovery of legal costs and authorization for the removal of residual oil. This Notice requests comments to address the authorization for the removal of residual oil by trustees.

Section 990.53(b)(3)(i) of the final OPA rule authorizes trustees to “[r]emove conditions that would prevent or limit the effectiveness of any restoration action (e.g., residual sources of contamination)” and to consider these actions primary restoration. NOAA’s rationale for this provision was that there may be circumstances where trustees need to remove residual oil beyond response actions taken by the lead response agency as part of a restoration action. For example, following the August 1993 Tampa Bay, Florida, oil spill, the trustees initiated an action to remove oil from oyster reefs to further minimize and eliminate injury to the reefs, including erosion that could have affected adjoining mangroves, and other biological resources.

In its ruling, the Court directed NOAA to reconsider the final rule language, posing a series of questions about the standards and circumstances under which removal actions may be taken by trustees. To address these questions, NOAA is inviting the submission of information on both case-specific and other consultation experiences, with the United States Coast Guard, the Environmental Protection Agency, or State response agencies relating to removal actions taken both during and after response. NOAA is also interested in reviewing information regarding the standards, circumstances, and outcomes of incidents where trustees considered additional removal actions beyond those proposed by the lead response agency as part of a natural resource restoration action, as well as the issues and results

of consultations with response agencies to seek oil removal during or after the response phase.

Dated: February 6, 1998.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 98-3455 Filed 2-10-98; 8:45 am]

BILLING CODE 3510-ES-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 101, 116, 201, 216 and 352

[Docket No. RM97-6-000; Order No. 598]

Units of Property Accounting Regulations

Issued February 5, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its units of property and oil pipeline regulations to require companies to maintain a written property units listing, to apply the listing consistently, and to furnish the Commission with a justification of any changes in the listing, if requested, and to clarify that companies may use estimates when it is impractical or unduly burdensome for companies to identify the cost of retired property. In addition, the Commission is removing certain regulations which prescribe unit-of-property listings for jurisdictional companies. These changes will allow companies additional flexibility in maintaining their records of units of property. Finally, the Commission also is removing the regulation which prescribes a minimum rule that requires oil pipelines to charge operating expenses for acquisitions, additions and improvements costing less than \$500.

EFFECTIVE DATE: March 13, 1998.

FOR FURTHER INFORMATION CONTACT:

Harris S. Wood, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 (202) 208-0224

Mark Klose, Office of the Chief Accountant, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 219-2595

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**,

the Commission provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 2-A, 888 First Street, N.E., Washington, D.C. 20426. The complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, La Dorn Systems Corporation. La Dorn Systems Corporation is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, also provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user. CIPS can be accessed over the Internet by pointing your browser to the URL address: <http://www.ferc.fed.us>. Select the link to CIPS. The full text of this document can be viewed, and saved, in ASCII format and an entire day's documents can be downloaded in WordPerfect 6.1 format by searching the miscellaneous file for the last seven days. CIPS also may be accessed using a personal computer with a modem by dialing 202-208-1397 if dialing locally or 1-800-856-3920 if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this order will be available on CIPS in ASCII and WordPerfect 6.1 format. CIPS user assistance is available at 202-208-2474.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, William L. Massey, Linda Breathitt, and Curt Hebert, Jr.

Recordkeeping for Units of Property Accounting Regulations for Public Utilities and Licensees, Natural Gas Companies and Oil Pipeline Companies

The Federal Energy Regulatory Commission (Commission) here adopts a final rule, amending its regulations, which require jurisdictional public utilities and licensees, natural gas companies and oil pipeline companies to maintain a written listing of Units of Property and to apply the listing consistently. These three groups are collectively called "Companies" in this final rule.

Under the final rule, Companies will have the opportunity to identify and maintain Units of Property listings that are up-to-date and more in harmony with the needs of their businesses. Companies may reduce the level and number of detailed Units of Property records that they currently maintain.

The final rule eliminates Title 18, Code of Federal Regulations (18 CFR),

Parts 116, 216, and 352 (instruction 3-14). Elimination of these parts will not affect the information currently reported in the FERC Forms 1, 1-F, 2, 2-A or 6.¹ These Forms do not report costs at the level of detail prescribed by Parts 116, 216 and 352 (instruction 3-14). Therefore, the final rule would not affect the information contained in these forms.

The elimination of these regulations would not affect the manner in which costs are recognized for accounting or rate-making purposes. Companies will continue to treat all plant as consisting of retirement units and minor items of property. Under the final rule, Companies will account for the additions and retirements of such plant in accordance with instructions contained in 18 CFR under the Commission's Uniform System of Accounts (USofA) for public utilities and licensees, natural gas companies, and oil pipeline companies.²

Additionally, the final rule clarifies that Companies may use estimates when it is either impractical or unduly burdensome for Companies to identify the cost of retired property, and it removes the minimum rule requiring oil pipelines to charge operating expenses for acquisitions, additions and improvements costing less than \$500.

I. Public Reporting Burden

The Commission estimates that this final rule will reduce the public reporting burden by an annual average of 29,768 hours, for public utilities and licensees, natural gas companies, and oil pipeline companies. The average costs associated with these hours, across all regulated companies, total \$5,153,563.

Comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing this burden, can be sent to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 [Attention: Michael Miller, Information Services Division, (202) 208-1415]; and to the Office of Information and

¹ FERC Form No. 1, Annual Report of Major Electric Utilities, Licensees and Others; FERC Form 1-F: Annual Report for Non-major Public Utilities and Licensees; FERC Form No. 2, Annual Report of Major Natural Gas Companies; FERC Form 2-A, Annual Report of Non-major Natural Gas Companies; FERC Form No. 6, Annual Report of Oil Pipeline Companies.

² See 18 CFR Part 101, USofA prescribed for Public Utilities and Licensees, Part 201, USofA prescribed for Natural Gas Companies, and Part 352, USofA prescribed for Oil Pipeline Companies (1996)